

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

MUHIB SHUKRI TARAKJI, M.D.

CONSENT ORDER

The West Virginia Board of Medicine ("Board") and Muhib Shukri Tarakji, M.D., ("Dr. Tarakji") freely and voluntarily enter into the following Consent Order pursuant to West Virginia Code §30-3-14(n):

FINDINGS OF FACT

1. Dr. Tarakji currently holds a license to practice medicine and surgery in the State of West Virginia, License No. 11488, issued originally in 1978, and the address of record with the Board of Dr. Tarakji is in South Charleston, West Virginia.

2. In September, 1993, the Board received a complaint from Udella Kelly, which complaint related to the care and treatment rendered to her in 1992 by Dr. Tarakji, and the fees charged to her by Dr. Tarakji for such care and treatment.

3. After Ms. Kelly complained to the Board, Dr. Tarakji reduced the charges to Ms. Kelly.

4. The Board received a response to the complaint from Dr. Tarakji, and the Complaint Committee discussed the care and treatment of Ms. Kelly with Dr. Tarakji at a Complaint Committee meeting.

5. The matter in issue was reviewed by an independent medical consultant who filed a report with the Board stating that the fees charged by Dr. Tarakji in this matter were excessive.

6. For Dr. Tarakji to continue to practice medicine without the Board attaching an appropriate condition and limitation upon the medical license of Dr. Tarakji could adversely affect the health and welfare of a patient.

7. Dr. Tarakji contends that pursuant to the terms of an Agreement dated April 1, 1981, between himself and Richard C. Rashid, M.D., Dr. Rashid controlled the billing of all medical services performed by Dr. Tarakji and that the fees charged to Ms. Kelly were billed on Dr. Tarakji's behalf by Dr. Rashid.

8. Dr. Tarakji contends that the Agreement between Dr. Tarakji and Richard C. Rashid, M.D., has terminated and Dr. Tarakji has opened his own practice of medicine in South Charleston, West Virginia.

9. Dr. Tarakji represents that Dr. Tarakji has employed or will employ an independent consultant or service which will provide guidance in the establishment of fees and charges for his own practice.

CONCLUSIONS OF LAW

1. The Board has a mandate pursuant to West Virginia Code §30-3-1 to protect the public interest.

2. Probable cause exists to substantiate charges of disqualification from the practice of medicine pursuant to West Virginia Code §30-3-14(c)(17) and 11 CSR 1A 12.1(e) and as further described at 11 CSR 1A 12.2(i).

3. The Board has determined that it is appropriate to waive the commencement of proceedings against Dr. Tarakji and to proceed without the filing of charges or a formal Complaint and Notice of Hearing, provided that Dr. Tarakji complies with the provisions of this Consent Order.

CONSENT

Muhib Shukri Tarakji, M.D., by affixing his signature hereon, agrees solely and exclusively for purposes of this agreement and the entry of the Order provided for and stated herein, and proceedings conducted in accordance with this Order to the following:

1. Dr. Tarakji acknowledges that he is fully aware that, without his consent, no permanent legal action may be taken against him except after a hearing held in accordance with West Virginia Code §30-3-14(h) and §29A-5-1, et seq.;

2. Dr. Tarakji acknowledges that he has the following rights, among others: the right to a formal hearing before the West Virginia Board of Medicine, the right to reasonable notice of said hearing, the right to be represented by counsel at his own expense, and the right to cross-examine witnesses against him;

3. Dr. Tarakji waives all rights to such a hearing;

4. Dr. Tarakji consents to the entry of this Order relative to his practice of medicine in the State of West Virginia; and,

5. Dr. Tarakji understands that this Order is considered public information, and that matters contained herein may be reported, as required by law, to the National Practitioner Data Bank.

ORDER

WHEREFORE, on the basis of the foregoing Findings of Fact and Conclusions of Law of the Board, and on the basis of the consent of Dr. Tarakji, the West Virginia Board of Medicine hereby ORDERS that:

1. Dr. Tarakji is **PUBLICLY REPRIMANDED** for his charges to Ms. Kelly in this matter; and

2. Dr. Tarakji shall pay a civil fine in the amount of two-thousand five-hundred dollars (\$2500), made payable to the West Virginia Board of Medicine, the receipt of which civil fine is acknowledged by the signatures hereon of the President and the Secretary of the Board.

3. Within five (5) days of entry of this Consent Order, Dr. Tarakji shall provide a copy of this Order to any employer or health care or medical facility where Dr. Tarakji is practicing medicine.

The failure of Dr. Tarakji to comply with the terms of this Consent Order, as determined by the Board, may constitute grounds for the revocation of his medical license in West Virginia.

Entered this 7th day of April, 1995.

WEST VIRGINIA BOARD OF MEDICINE

Jesus T. Ho., M.D.
President

William T. Wallace, Jr., M.D., M.P.H.
Secretary

Muhib Shukri Tarakji, M.D.
Date: 4-5-95

STATE OF West Virginia
COUNTY OF Kanawha, to-wit:

I, Mary E. Bradie, a Notary Public for said county and state do hereby certify that Muhib Shukri Tarakji, M.D., whose name is signed above has this day acknowledged the same before me.

Given under my hand this 5th day of April, 1995.

My Commission expires February 13, 2001.

Mary E. Bradie
NOTARY PUBLIC

